IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE V.V.S.RAO

WRIT PETITION NO.27475 OF 2003

Between:

Navroz Mamani,

S/o.Ramzan Ali Mamani

R/o.H.No.5-8-42, Flat No.403, B-Block,

Nandanam Apartments, Fateh Sulthan Lane,

Nampally, Hyderabad. **...PETITIONER**

And

1. The Secretary, Ministry of External Affairs,

Govt. of India, New Delhi.

2. The Regional Passport Officer,

The Regional Passport Office,

Secunderabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to

issue appropriate writ or order or orders, direction or directions particularly one in the nature of writ of mandamus by directing the respondents to issue fresh passport to the petitioner duly incorporating the date of birth as per SSC Memo issued by the Board of Secondary Education, Hyderabad, A.P., as 3.3.1983 instead of 3.3.1984.

Counsel for the Petitioner: MR. A.SRINIVAS

Counsel for the Respondents: SRI A. RAJASEKHAR REDDY

(S.C. FOR CENTRAL GOVT.)

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27475 OF 2003

ORDER:

This writ petition is filed seeking a direction to the respondents to issue fresh passport to petitioner duly incorporating the date of birth as 3.3.1983 instead of 3.3.1984 as per S.S.C. Memo issued by the Board of Secondary Education, Andhra Pradesh.

Though interlocutory application is listed, with the consent of the learned counsel for the petitioner and the learned Standing Counsel for the Central Government, the Writ Petition itself is heard finally and is being disposed of.

It is the case of the petitioner that he was born on 3.3.1983. In 2003, he applied for

passport and in the application for passport inadvertently he mentioned the date of birth as 3.3.1984. Accordingly, passport bearing No.E6942413 was issued on 11.11.2003 showing his date of birth as 3.3.1984. He approached the respondent with a request to change the date of birth in the passport. The respondent refused to correct the date of birth of petitioner. Hence, the present Writ Petition.

In ***Ali Imran v. Regional Passport Officer, Secunderabad***, I have considered the Circular dated 18-4-2001 issued by the Government of India in the Ministry of External Affairs pursuant to the judgment of the High Court of Judicature at Bombay in Civil Writ Petition No.1072 of 2000. The instructions/clarifications issued in the said Circular read as under.

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

In view of the above clarifications, I disposed of the said case observing as under.

Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the civil court.

In this case, the petitioner has produced Secondary School Certificate to prove that his correct date of birth is 3.3.1983. Therefore, the claim of the petitioner is well supported and squarely falls in Clause (a) of the Circular dated 18-4-2001.

Following the judgment of this Court in ***Ali Imran*** (supra), this writ petition is also

disposed of directing the respondent to consider the application of the petitioner along with the Secondary School Certificate No.YZ 1197044, dt.26.5.1998 issued by the Secretary, Board of Secondary Education, Andhra Pradesh, and to pass appropriate orders in the light of the observations made in the above judgment. There shall be no order as to costs.

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(V.V.S.RAO, J)

2.9.2004

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To

1. The Secretary, Ministry of External Affairs,

Govt. of India, New Delhi.

2. The Regional Passport Officer,

The Regional Passport Office,

Near Clock Tower, Secunderabad.

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